



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,761	12/21/2004	John Philip Griffiths	GRJ0102PUSA	2604
61873	7590	10/29/2009	EXAMINER	
JOHN PHILIP GRIFFITHS			RAO, SHEELA S	
99A TALLAI RD.			ART UNIT	
TALLAI, 4213			PAPER NUMBER	
AUSTRALIA			2123	
			MAIL DATE	
			DELIVERY MODE	
			10/29/2009	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,761

Applicant(s)

GRIFFITS ET AL.

Examiner

Sheela Rao

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-73 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 50-73 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to papers filed on 13 March 2009.
2. Claims 50-73 have been elected and presented for examination. Of the pending claims, claims 1-49 and 74-88 have been canceled.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the submitted drawings are not considered formal, but accepted for purposes of examination. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

5. Claim 64 is objected to because of the following informalities: the claim cites a first control device which generally indicates that a second control device is present or forthcoming. Claim 64 depends from claim 50 which only has a control device not a first control device and no where else in the instant claims is a second control device stated. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 50, 51, 53, 55, 57-60 and 64-74 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 50, 51, 57, 60 and 68-69, the scope of these claims is vague and indefinite, because of the use of the alternative language "and/or." One having ordinary skill in the art would not be able to determine the metes and bounds of these limitations.

8. Claims 53-56 recite the below stated elements for which there is insufficient antecedent basis in the language of the instant claims. Appropriate correction required.

The instant claim includes "first content" and "second content" in parentheses within the claim language which renders the content unclear as it is not clear whether

the elements are a part of the claimed invention or not. Claims 54-56 are also rejected as they refer to the questionable elements.

9. The term "preferentially" in claim 55 is a relative term which renders the claim indefinite. The term "preferentially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 50-52, 61-65, 68 and 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0042937 A1 to Green in view of US Patent No. US 6,761,051 B2 to Tsai.

The published application by Green teaches of clothing that is held together at a point of closure by a locking device in such a way that when unlocked the clothing is removed from the wearer's body. The limitations of the instant invention are taught by the reference of prior art as stated herewith.

Independent claim 50 cites a system of garment closures comprising at least a first and second electrically operable garment closure each arranged for electrically

operable opening, wherein: a) said closures (taught by Green as locks in paragraphs [0009-0011]) are for use with one at least garments selected from one at least of: lingerie, panties, dress, trousers, shirt, blouse, belt, jumper, bra, swimming costume, hose, skirt, kilt, blouse, socks, tie, cravat, sweater, belt, glove, suspenders, fancy dress, shoes, sandals, and or any other item of clothing – taught by Green in paragraph [0010]. Green teaches using locks for closure of parts of a garment (see paragraphs [0013-0016 and 0056-0059] and figs. 34-36) and even states numerous types of locks that can be used, including padlocks, combination locks, and electronic locks in paragraph [0011]; yet, the reference of prior art falls short of disclosing the specific use of electronic locks. For this reason the prior art of Tsai is relied upon. Tsai teaches of an electric padlock that can be operated using a remote controller. As for the limitations of the instant invention where the b) said first and second closures are responsive to at least one output from a control device – Tsai teaches the remote controller sending an electric signal to the receiver unit in col. 3 at lines 47-53, and c) the first closure is arranged to respond in preference to the second closure and or the second closure is arranged to respond in preference to the first closure – the receiver unit enables the operation of the drive motor of the locking system in response to the electric signal received see col. 3:ll. 50-53 and col. 4:ll. 30-33. The garments closures as used by Green include padlocks which are electronically operable; hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the electric padlock of Tsai to lock or hold together the garments closures of Green in place of the keyed padlocks. As it is well known, the use of electronic locks

provides a more convenient and easy to use type of unlocking system than that of the keyhole locks. A more efficient and convenient operation is also appreciated by Tsai as stated in col. 1 at lines 18-22.

With regard to claim 51, a) the output that the first closure is responsive to is a wireless output and or wired output, and or b) the output that the second closures responsive to is a wireless output and or wired output is claimed. As stated above, Tsai uses a remote controlled unlocking system to open the electric padlocks, thus providing wireless outputs. See col. 3:ll. 46-53.

As for claim 52, the at least one of the wireless outputs comprises one at least of: a) radiofrequency, b) infrared is required. Again, as taught by Tsai, the use of a remote control unit is disclosed. As it is well known to one of skill, a remote control unit uses infrared signals.

Claims 61-63 are directed to the use of a wired output. Claim 61 defines the wired output as comprising one at least electrical conductors (sic), while claim 62 cites a plurality of bits of digital content are transferred in serial format on at least one of the conductors, and claim 63 transfers the digital content in a parallel format. The references of prior art teach the use of using wireless output; it is well known in the computer technology to be able to use wired outputs in the lieu of wireless as this is a choice of design based upon preference. Furthermore, the transferring of data content in either serial or parallel form is clearly essential to the transmission of data in digital technology in one of the two forms again the specific form is chosen based upon design preference and compatibility. Official notice is therefore taken.

As with claim 64, the first electrically operable garment closure is further arranged to respond in preference to the second electrically operable garment closure when both the first and second closure are concurrently exposed to an output from the first control device is stated. Tsai teaches this aspect of the instant invention in column 4 beginning at line 28 wherein it is stated that when the electric signal is received by the receiver unit the unlocking mechanism is activated. Since the locking mechanism holds together both the first and second closures, both the closures are concurrently exposed by the signal.

Claim 65 defines the closures to be determined in part at least by the processing of information related to at least one of: a) voice, b) audio, c) music, d) image, e) telephone touch tones, f) output from an audiovisual remote control, g) a position of the garment closure, h) a plurality of events. The reference of prior art by Tsai teaches the use of a remote controller which outputs IF signals satisfying element f) of the instant claim.

Claim 68 directs the system of garment closures to the opening of at least one of the closures as being determined in part at least by the processing of information related to the progress and or outcome of a game wherein said game comprises one at least of a computer game, a card game, a board game, a game of chance, a quiz, and or any other game. This aspect of the instant invention is also considered to be a design choice or a user's preference since how a person decides to "activate" the unlocking of the closures is dependent upon their actions or activities at the time. Moreover, the game of Strip Poker is a well known game of chance which requires

disrobing.

Claim 71 includes several different means to opening the closure, including i) electro-magnet, ii) passage of electric current through shape memory alloy, iii) electrically heating a fluid, iv) motor means, v) force means powered by electricity. As taught by Tsai, the electric signals are transmitted to active the motors of the electric padlock to be opened. See col. 4, line 28 et al.

As for claim 72, the closures are reusable after opening in response to the output is claimed. This is a well known concept since zippers, buttons, clasps, hooks, etc. are all closures that remain with the garments after disrobing. Moreover, the closure remaining in tact is essential to the reusability of the garment itself.

12. Claims 53-60, 66, 67, 69, 70 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0042937 A1 to Green in view of US Patent No. US 6,761,051 B2 to Tsai as applied to claim 50 above, and further in view of US Patent No. 4,573,046 to Pinnow.

Claims 53-60 are directed to the information of the output in the sense of what is contained within the output, i.e. content. In claim 53 the output for the first closure is stated as comprising information ("first content") and the output for the second closure comprising information ("second content"). Claims 54 and 59 state that the first content and the second content are distinct. Claim 55 defines the first and second closures to respond to their respective contents. Claims 56 and 59 define the content as being of digital form, while claims 57 and 60 state that the digital content comprise at least one of

control, address, and/or data. Lastly claim 58 cites a common output to be used by the first and second closure and the closure that responds is determined in part at least by the output content. The combination of the Green and Tsai references of prior arts teaches the electric unlocking of closures upon garments, the references fail to particularly disclose the attributes of the data transmitted by the electronic means. For this reason, the prior art of Pinnow is relied upon. Pinnow teaches of a universal unlocking mechanism which controls locks. The system is placed within a wrist watch for easy access, use and convenience. The information included within the content for the first closure and second closure, etc. are codes based upon the code key so as to respond to their respective content or location as stated in col. 7 at lines 60-68. Each of the codes are distinct as each code key is assigned a sequential number as indicated in col. 8 at lines 27-34. With regard to the form of the content being digital, Pinnow teaches the use of binary bits for the contents data, i.e. digital data, in col. 8 at lines 38-39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the remote controlled technology of Tsai with the wrist watch remote control means of Pinnow to unlocking the locking of closures upon garments as done by Green so as to provide a safe, efficient, authorized, convenient, and easy use methodology and system as provided by Pinnow and stated throughout the patented reference.

As per claim 66 the system of garment closures determines opening of at least one of the closures in part at least by processing of information related to at least one of a) alphanumeric information, b) descriptive information, c) encrypted information, d)

information for restricting the unauthorised opening of at least one of the closures, e) an access limit, f) time and or date information, g) randomly generated and or selected information. The patented apparatus and method of Pinnow teaches the use of alphanumeric information and information for restricting the unauthorized opening as stated in col. 8, beginning at line 1 and line 25, respectively.

Claim 67 requires the system of garment closures to determine opening at least one of the closures in part at least by the processing of information related to at least one of information: a) transferred by telephone, b) selected from an electronic display, c) provided by a keyboard, d) transferred by computer network, e) transferred by internet, f) derived from the processing of information from a computer coupled to a display terminal. Here, Pinnow teaches the processing of information selected with the use of a comparator-processor which compares and then processes the received codes in order to activate the unlocking mechanism as stated in column 3 at lines 30-37.

As for claim 69 wherein the operation of the first and or second closure within the system of garment closures is enabled and or facilitated by one at least of: a) user programmable information stored on computer readable medium; b) a computer program stored on computer readable media for execution on a computer coupled to a display means. Again, Pinnow teaches this aspect in column 3 at lines 14-37.

Claim 70 claims the operation of at least one said closure as facilitated by a systematic compilation of at least one of alphanumeric information or descriptive information relating to the closure. This is taught in column 7 at lines 50-53 and column 8 at lines 1-34 of the patent to Pinnow.

With regard to the electrically illuminable means coupled to one of the closures as presented in claim 73, Pinnow teaches the use of illuminable means in column 7 at lines 38-50.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication No. US 2005/0048863 A1 Nasstrom et al.
Teaches of a toy garment which includes an IC chip that emits and receives sounds for activation of various functions.

14. For the reasons stated above, the limitations of the instant invention are taught and/or fairly suggested by the prior arts of record; thereby, rendering the instant claims unpatentable.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Wednesday from 9:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez, can be reached on (571) 272-3753. The fax number for the organization where this application or any proceeding papers has been assigned is (571) 273- 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheela Rao/
Examiner, Art Unit 2123
October 22, 2009

/Paul L Rodriguez/
Supervisory Patent Examiner, Art Unit 2123